

REMARKS

Claims 1, 3-6, 8-18, and 20-31 are pending. By this Amendment, Claims 2, 7 and 19 are cancelled without prejudice or disclaimer, Claims 1, 6, 8, -9, 11, 14, 15, 21-26, 28 and 30 are amended, and Claim 31 added. As support for the claimed amendments and subject matter recited by the new claim are provided in the application as originally filed, Applicant respectfully submits that no new matter is presented herein.

Allowable Subject Matter

Applicant appreciates and acknowledges the indication by the Examiner that Claim 7, although objected to for being dependent upon a rejected base claim (i.e., Claim 1), would be in condition for allowance if amended to incorporate all of the features recited by Claim 1 and any intervening claims.

In this regard, Applicant has cancelled Claim 7 without prejudice or disclaimer, and incorporated all of the subject matter recited therein into base Claim 1, thereby placing Claim 1 in condition for allowance.

Claims 3-6 and 8-13 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully requests withdrawal of the objection to Claims 7-11.

Claim Objections

Claims 1 and 14 are objected to for informalities therein. Applicant has amended the claims in a manner believed to be responsive to the objection.

Applicant respectfully requests withdrawal of the objection.

Claim Rejection – 37 U.S.C. 112, second paragraph

Claims 14-18 and 20-30 are rejected under 35 U.S.C. 112, second paragraph. Applicant has amended the claims in a manner believed to be responsive to the rejection.

Applicant respectfully requests withdrawal of the rejection.

Claim Rejections – 35 U.S.C. §102/§103

Claims 1, 3-5, 7, 12-14, 16 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,747,250 to Rossi; Claims 6 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rossi in view of U.S. Patent No. 2,472,440 to Salfisberg; Claims 18 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rossi in view of U.S. Patent No. 5,233,813 to Kenney et al. (Kenney); Claims 14, 16, 20-24, 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,437,294 to Romagnoli in view of Rossi; Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli in view of Salfisberg; and Claims 17-18 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli in view of Kenney.

Applicant respectfully traverses each of the rejections for at least the following reason(s).

Independent Claim 1

As for independent Claim 1 (and corresponding dependent Claims 3-6 and 9-13), Applicant respectfully submits that these claims are allowable for the reasons provided above. As such, Applicant respectfully submits that the above-listed rejections as they apply to Claims 1, 3-6 and 9-13 are moot and should be withdrawn.

Independent Claim 31

Further, Applicant respectfully submits that base Claim 31 includes features recited by Claims 1 and 3. With regards to Claim 31, Applicant points out that Rossi ('250) fails to disclose or suggest the step of depositing the *compressed* disk on a first portion of the filter material. Rather and in contrast, Rossi ('250) discloses that the product is placed onto the filter material while still in granular form, and while the compression of the product for making the disk of product is performed after that the material has been deposed onto the filter material. In other words, Rossi ('250) fails to disclose a step of depositing a compressed disk, but instead teaches a step of depositing (on the filter paper) granular material, which is then formed into a compressed disk, but only in another following step.

For at least the above-provided reason(s), Applicant respectfully submits that Claim 31 is allowable.

Independent Claim 14

As for independent Claim 14, applicant notes that Rossi ('250) fails to disclose or suggest at least one forming impression located on means for forming a respective disk of the infusion product and releasing the disk onto the first portion of filter material, as is recited by Claim 14. Rather and in contrast, Applicant submits that Rossi ('250) discloses the step of forming impressions (the seats for receiving the powder material from hole 70 and for receiving projection 68) on which the filter-paper ribbon 48 is placed. Further, Rossi ('250) discloses a tamper 74, which forms the disk by compressing the powder material which has been deposited on the impression in a previous step.

Moreover, the Applicant respectfully submits and asserts that the tamper 74 does not release the disk onto the filter material, since the powder material is already positioned onto the filter material before the tamper starts the tampering step. Therefore, the tamper 74 of Rossi ('250) does not correspond to the "means for forming a respective disk of the infusion product and releasing the disk onto the first portion of filter material" recited by Claim 14.

Also, Applicant respectfully submits that Rossi ('250) does not disclose means for both *forming* a respective disk of the infusion product and *releasing*

the disk onto the first portion of filter material. In fact, Applicant submits that even if the impressions shown in Rossi ('250) were to be considered as the "means for forming a respective disk of the infusion product" recited by Claim 14, an assertion which the Applicant maintains that the impressions do not correspond to the means for forming of claim 14, Applicant notes the impressions could not be considered also as the means for releasing the disk onto the first portion of filter material, since at least since the impressions are entirely placed under the filter material.

As such, Applicant respectfully submits that Rossi does not disclose or suggest each and every feature recited by Claim 14. To qualify as prior art under 35 U.S.C. §102, the reference must disclose or suggest each and every feature of a rejected claim. In view of the above, Applicant respectfully submits that Claim 14 is not anticipated by Rossi ('250) and should be deemed allowable over Rossi ('250).

As for the asserted combination of Romagnoli ('294) and Rossi ('250), Applicant respectfully provides the following comments.

Applicant respectfully points out that the Romagnoli ('294) apparatus is a rotating drum type of apparatus that has a continuous rotating movement, while the apparatus of Rossi ('250) is a chain type apparatus that has an incremental or step-by-step movement. In particular, the apparatus disclosed by Rossi ('250) has an intermittent movement which involves advancing steps and stopping steps for allowing the forming device, which is located in a fixed

position, to perform forming process against subsequent portions of a chain conveyor. The Applicant respectfully submits that the asserted combination would involve the forming device of Rossi ('250), which comprises at least mould 64, mechanisms 84 and 86, tamper 74, shaft 76 and the other components for rotating and translating the latter, to be mounted on the drum 1 of Romagnoli ('294) in order to form the disks on the drum 1 by translating and rotating the shaft 76.

In this regard, Applicant respectfully, but forcefully, submits that one of ordinary skill in the art would readily understand that the asserted modification would not work, especially since the above described forming device of Rossi ('250) is designed to be arranged in a vertical orientation (see Figures 1-2 of Rossi ('250)).

As just an example, if the above described forming device of Rossi ('250) would be upturned or anyway arranged along an inclined direction, the power material will not tend to reach the impressions (which will not be oriented vertically facing upwards) but will tend to return down therefore wasting through the parts of the apparatus. On the other hand, Rossi ('250) does not specify that the apparatus could assume a drum form, nor does Rossi ('250) indicate that the apparatus could work in any orientation.

Moreover, the above described forming apparatus of Rossi ('250) works on a straight path and is not suitable to be used on drums, which follow circular paths.

Accordingly, Applicant respectfully submits that if one of ordinary skill in the art were to modify the rotary drum of Romagnoli ('294), such a person would not look to the teachings of references that use apparatuses having a fixed or non-rotating arrangement. Applicant submits this assertion since one of ordinary skill in the art is readily aware of the fact that combining the teachings of rotary drum and chain (or belt) apparatuses would not readily or easily produce a workable solution.

In view of what above, Applicant respectfully submits that Romagnoli ('294) and Rossi ('250) do not render Claim 14 obvious and provide no motivation to one of ordinary skill in the art to look to their respective teachings to modify same wherein such a modification would arrive at the invention recited by Claim 14. As such, Applicant respectfully submits that Claim 14 is not obvious in view of the asserted combination of Romagnoli ('294) and Rossi ('250) and should be allowable.

Applicant further submits that Salfisberg and Kenney do not cure the above discussed deficiencies of the asserted Romagnoli ('294) and Rossi ('250) combination.

Claims 15-18 and 20-30 depend from Claim 14. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 14 is allowable as well as for the additional subject matter recited therein.

Applicant respectfully requests withdrawal of all of the rejections.

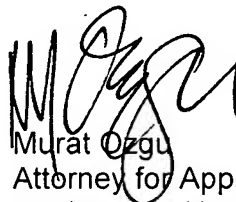
Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objections and rejections, allowance of Claims 1, 3-6, 8-18, and 20-31, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 023349.00314.**

Respectfully submitted,



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